

REMARKS/ARGUMENTS

On December 7, 2005, a first office action for the present invention was mailed. The Applicants addressed each of the rejections raised in the office action in their response and amendment filed April 11, 2006. Although Applicant addressed each of the rejections raised, a second and final office action was issued November 1, 2006 wherein the identical rejections were raised. On November 16, 2006, an interview with the examiner and Applicants' counsel, Edward M. Livingston and Angela M. Miller (hereinafter referred to as "Counsel") was held to discuss each of the issues raised in the second and final office action.

First, with respect to the rejection of claim 1-10 under 35 USC § 112, Counsel discussed with Examiner Kidwell that the Applicant's invention is an ostomy comfort pad, generally (1) having an outer cover (13) and filling (8) located within the outer cover (13). Thus, there are two separate elements to Applicants' invention: the cover located on both the front and back sections and the filling. In addition, Counsel confirmed Examiner Kidwell's receipt of replacement sheet 1/2 showing the cover on both the front and back sections in FIG. 2 and confirmed with Examiner Kidwell that FIG. 5 on drawing page 2/2 shows the filling (8). An Interview Summary signed by Examiner Kidwell indicates that the replacement sheets filed on August 18, 2006 are compliant.

Second and more importantly, Counsel discussed with Examiner Kidwell the rejections of the claims under 35 USC § 102 based on the von Emster patent and under 35 USC § 103 based on the von Emster patent in view of the Hogan and Zedlitz patents. Specifically, Counsel and Examiner Kidwell discussed the distinctions between Applicants' invention and those cited in the prior art. As the primary cited prior art is von Emster and the Hogan and Zedlitz patents were cited for dependent claims, Counsel focused on the distinctions between Applicants' invention and the von Emster invention, namely, Applicants' pocket (5) vs. von Emster's bottom opening (13).


As it is Examiner Kidwell's position that the von Emster bottom opening (13) may function as a pocket as was claimed in the first Response and Amendment, Examiner Kidwell suggested claiming a more specific pocket structure. As such, Applicants' herewith submit currently amended claim 1 wherein the pocket is externally located to said front of said bottom section. As the von Emster patent nor any of the above cited prior art discloses an externally located pocket, Applicants believe no further amendments to the claims are necessary. In addition, as the remaining claims are dependent claims, the rejections based on the Hogan and Zedlitz patents are now moot as Applicants' invention includes novel and nonobvious structural features in independent claim 1.

In view of the above amendments and remarks, Applicants believe the examiner will now find this patent application in a position for allowance and its expeditious passage to same is requested.

Should the examiner disagree or have any questions, comments or suggestions that will render this application allowable, a call to the undersigned attorneys of record is invited.

Finally, Applicants' attorneys would like to thank the Examiner for her cooperation and courtesy in the interview.

Respectfully submitted,
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CERTIFICATE OF MAILING UNDER 37 CFR 1.8

I HEREBY CERTIFY that the above Response and Amendment After Final is being deposited with the United States Postal Service by first class mail on the 28th day of December, 2006, addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Angela M Miller

Attorney